

SAOBB (Rev. 12/06) Subpoena in a Civil Case

Issued by the
UNITED STATES DISTRICT COURT

NorthernDISTRICT OF Illinois

Remove Your Content, LLC

SUBPOENA IN A CIVIL CASE

V.

John Does 1-20

Case Number: ¹3:09-cv-393in The Northern District
of Texas, Dallas Div.

TO: The Board of Trustees of the University of Illinois
c/o Secretary
414 Administrative Building
1737 W. Polk Street Chicago, IL 60612-7328

☐ YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

See Exhibit attached hereto.

PLACE

Records may be sent to 2912 W. Story Rd., Irving, TX 75038

DATE AND TIME

5:00 p.m. May 21, 2009

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT) DATE

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Ellen Sacco, Hulse Stucki, PLLC, 2912 W. Story Rd., Irving, TX 75038 (214) 441-3000

(See Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), on next page)

¹ If action is pending in district other than district of issuance, state district under case number.

DEF. APP. 039



AO88 (Rev. 12/06) Subpoena in a Civil Case

PROOF OF SERVICE

DATE

PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), as amended on December 1, 2006:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection, copying, testing, or sampling of designated electronically stored information, books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection, copying, testing, or sampling may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to producing any or all of the designated materials or inspection of the premises — or to producing electronically stored information in the form or forms requested. If objection is made, the party serving the subpoena shall not be entitled to inspect, copy, test, or sample the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production, inspection, copying, testing, or sampling. Such an order to compel shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection, copying, testing, or sampling commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held;

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information; or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party; or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject

to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) (A) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(B) If a subpoena does not specify the form or forms for producing electronically stored information, a person responding to a subpoena must produce the information in a form or forms in which the person ordinarily maintains it or in a form or forms that are reasonably usable.

(C) A person responding to a subpoena need not produce the same electronically stored information in more than one form.

(D) A person responding to a subpoena need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or to quash, the person from whom discovery is sought must show that the information sought is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) (A) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial-preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

(B) If information is produced in response to a subpoena that is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has and may not use or disclose the information until the claim is resolved. A receiving party may promptly present the information to the court under seal for a determination of the claim. If the receiving party disclosed the information before being notified, it must take reasonable steps to retrieve it. The person who produced the information must preserve the information until the claim is resolved.

(e) CONTEMPT. Failure of any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of the court from which the subpoena issued. An adequate cause for failure to obey exists when a subpoena purports to require a nonparty to attend or produce at a place not within the limits provided by clause (ii) of subparagraph (c)(3)(A).

DEF. APP. 040

EXHIBIT 1

DOCUMENTS TO BE PRODUCED:

- 1) Any and all documents reflecting the network user information for the logins and use identified below and on the highlighted information attached from Google:

<u>Date/Time</u>	<u>Event</u>	<u>IP</u>
16-Feb-2009 6:51:48 pm GMT	Logout	131.193.3.65
16-Feb-2009 6:51:40 pm GMT	Login	131.193.3.65

2009-03-30 23:15:13 (GMT)

1650

Google Confidential and Proprietary

Subscriber Information

Email dopenull@gmail.com
Status Enabled
Services Talk, Search History, Gmail
Name Dope Lord
Secondary email
Created on 06-Dec-2008 01:58:40am GMT
Lang en
IP 99.145.86.85 on 06-Dec-2008 01:58:40am GMT

Logs

All times are displayed in UTC/GMT.
dopenull@gmail.com

Date/Time	Event	IP
16-Feb-2009 06:51:48 pm GMT	Logout	131.193.3.65
16-Feb-2009 06:51:43 pm GMT	LOGIN_ATTEMPT_AND_SUCCESS	131.193.3.65
16-Feb-2009 07:30:28 am GMT	Logout	75.34.33.96
16-Feb-2009 07:36:33 am GMT	LOGIN_ATTEMPT_AND_SUCCESS	75.34.33.96
16-Feb-2009 12:34:05 am GMT	Logout	99.145.86.85
16-Feb-2009 12:32:09 am GMT	LOGIN_ATTEMPT_AND_SUCCESS	99.145.86.85
16-Feb-2009 12:31:11 am GMT	Logout	99.145.86.85
16-Feb-2009 12:27:17 am GMT	LOGIN_ATTEMPT_AND_SUCCESS	99.145.86.85

DEF. APP. 042

UNIVERSITY OF ILLINOIS
Chicago • Springfield • Urbana-Champaign

RECEIVED
JUN 8 2 2009
HULSE STUCKI

Office of University Counsel (MC 225)
405 Administrative Office Building
1737 West Polk Street
Chicago, Illinois 60612-7228

June 5, 2009

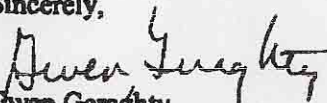
Via First Class Mail
Ellen Sacco, Esq.
Hulse Stucki PLLC
2912 West Story Road
Irving, Texas 75038

Re: *Remove Your Content, LLC v. John Does 1-20*
Subpoena Issued by the US District Court for the Northern District of Illinois

Dear Ms. Sacco,

Attached please find copies of documents responsive to the subpoena you issued to The Board of Trustees of the University of Illinois in the above-referenced matter. One of the documents has been redacted, in part, to remove information which is beyond the scope of the request, pertains to other users and may be privileged from production pursuant to the Family Educational Rights and Privacy Act (FERPA) or other privacy laws.

Sincerely,


Gwen Geraghty
Associate University Counsel

CC: Donna Williamson

Untitled

```
# nslookup 131.193.3.65
Server:      192.168.100.118
Address:     192.168.100.118#53
```

```
65.3.193.131.in-addr.arpa      name = p401055.ccc401.uic.edu.
```

SCE401 Logging

Time Range: February 16 2009 to February 16 2009

Machine Filtering: ☒ Enable P401055

User Filtering: ☐ Enable

Event Filtering: ☒ User logons ☒ User logoffs ☒ Started responding ☒ Stopped responding

Monday, February 16, 2009

[REDACTED]

<11:33:22> AD\mbochr2 logged on to machine P401055
<12:54:49> AD\mbochr2 logged off from machine P401055

[REDACTED]

All times in CST

```
ligger - SecureCRT
File Edit View Options Transfer Search Tools Help
[Icons]
ligger |
CSO Main Menu (v 0.0)

NAME: Dochra, Mark M. (mbochr2) [ not expired ]
AFFILS: [K valid] Liberal Arts and Sciences --- Student

UIN:          PID:
650876623     1215499

ACCOUNTS: ad blackboard campus ldapw mailserv remote
UIDS: 26120
NETIDS: mbochr2

-> 1) Select another Person for CURRENT display
   2) Miso (add new people, bulk changes, ...
   3) Stack of previously selected people
   4) Netids and mail           of CURRENT Person
   5) Accounts, UIDs and Sns   of CURRENT Person
   6) Affils and (Un)Expiring of CURRENT Person
   7) View/Edit PB Details     of CURRENT Person
```

DEF. APP. 046